

REMARKS

A petition to extend the time for response by one (1) month was filed on 10/11/2005 with the response to the Office Action dated 06/16/2005.

Claim 1 has been amended. Claims 1 - 19 are currently pending with claims 4, 7, 18, and 19 being withdrawn from consideration.

In the Office Action, claims 1, 2, 5, and 16 are rejected under 35 U.S.C. §102 as anticipated by US Patent No. 3,051,184 to Gibson. Also, in the Office Action, claims 3, 6, and 17 are rejected under 35 U.S.C. §103(a) as unpatentable over US Patent No. 3,051,184 to Gibson in view of U.S. Patent No. 4,349,434 to Jaworski or Germany 36 40 252. Additionally, in the Office Action, claims 8 and 9 are rejected under 35 U.S.C. §103(a) as unpatentable over US Patent No. 3,051,184 to Gibson. Furthermore, in the Office Action, claims 10 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 3,051,184 to Gibson in view of U.S. Patent No. 4,594,500 to Wright. Also, in the Office Action, claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 3,051,184 to Gibson in view of U.S. Patent No. 4,429,845 to Stover et al, U.S. Patent No. 2,066,127 to Slayter, or UK 2,212,901.

Claim 1 of the present application as currently amended recites a pump for a dishwasher having a dishwashing compartment. The pump is fluidically connected to the dishwashing compartment for channeling liquid to the dishwashing compartment and the pump is disposed outside the dishwashing compartment. The pump, as further recited in claim 1 of the present application as currently amended, includes a pump housing defining an interior and housing a motor and an impeller. The pump housing includes an inflow conduit through which dishwashing liquid flows out of the dishwashing compartment and into the pump housing into contact with the impeller. Claim 1 of the present application as currently amended further recites a heater for heating dishwashing liquid, with the heater including a heating device disposed on the pump housing in heat-conducting contact with the interior of the pump housing.

US Patent No. 3,051,184 to Gibson discloses a dishwasher with a pump 29 and a heating device 58 on the housing of the pump. The pump 29 of US Patent No. 3,051,184 to Gibson extends partially into the drain pan 22.

U.S. Patent No. 4,349,434 to Jaworski discloses a gas fired heater 60a located in series with a strainer/filter combination, and preferably between a pump 76 and the inlet 80 of a hot tub 74.

Germany 36 40 252 discloses a circulating pump 4 for circulating water to and from openings in the wall of a bath. A heating device 5 has heating conduits 11 that transfer heat to water flowing through the pump 4.

The Office Action asserts that US Patent No. 3,051,184 to Gibson discloses a heating device (the heating device 58) on a pump housing in heat – conducting contact with the interior of the pump housing. However, Claim 1 of the present application as currently amended recites that the pump is disposed outside the dishwashing compartment. In contrast, the pump 29 disclosed in US Patent No. 3,051,184 to Gibson is not disposed outside the dishwashing compartment. Instead, the pump 29 disclosed in US Patent No. 3,051,184 to Gibson extends partially into the drain pan 22 inside the dishwasher compartment. Accordingly, it is submitted that US Patent No. 3,051,184 to Gibson does not disclose a heating device disposed on the housing of a pump that is outside the dishwashing compartment. In view of the failure of US Patent No. 3,051,184 to Gibson to teach or disclose the arrangement recited in Claim 1 of the present application as currently amended should be withdrawn and it is further submitted that the rejections of claims 1, 2, and 5 under 35 U.S.C. §102 as anticipated by US Patent No. 3,051,184 to Gibson, the rejections of claims 3 and 6 under 35 U.S.C. §103(a) as unpatentable over US Patent No. 3,051,184 to Gibson in view of U.S. Patent No. 4,349,434 to Jaworski or Germany 36 40 252, the rejections of claims 10 – 13 under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 3,051,184 to Gibson in view of U.S. Patent No. 4,594,500 to Wright and the rejections of claims 14 and 15 under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 3,051,184 to Gibson in view of U.S. Patent No.

4,429,845 to Stover et al, U.S. Patent No. 2,066,127 to Slayter, or UK 2,212,901, should be withdrawn for at least the same reasons as discussed above with respect to claim 1 of the present application as currently amended. It is also submitted that the rejection of claim 16 under 35 U.S.C. §102 as anticipated by US Patent No. 3,051,184 to Gibson should be withdrawn for at least the same reasons as discussed above with respect to Claim 1 of the present application as currently amended.

With regard to the rejection of claim 17 under 35 U.S.C. §103(a) as unpatentable over US Patent No. 3,051,184 to Gibson in view of U.S. Patent No. 4,349,434 to Jaworski or Germany 36 40 252, Applicants respectfully disagree with the assertion on Page 3 of the Office Action that: "It therefore would have been obvious to one having ordinary skill in the art to modify the device of Gibson, to have the heating device on the pump housing facing the motor for the purpose of providing a more compact arrangement and is considered an obvious design choice [citations omitted]." Claim 17 of the present application recites a dishwasher comprising a housing defining a dishwashing compartment and a pump for channeling liquid to the dishwashing compartment. The pump is fluidically connected to the dishwashing compartment, disposed outside the dishwashing compartment and inside the housing; and has a motor, an impeller, and a pump housing defining an interior and housing the motor and the impeller. The pump housing defines an inflow conduit through which the dishwashing liquid flows into the pump housing into contact with the impeller and the motor rotating a shaft connected to the impeller so as to rotate the impeller, the pump housing having an outside with a side facing the motor and a side facing away from the motor; the shaft of the motor extends outwardly from the pump housing on the side of the pump housing facing the motor, and the inflow conduit extends outwardly from the pump housing on the side facing away from the motor. The dishwasher recited in claim 17 also includes a means for heating dishwashing liquid, the heating means disposed on the pump housing in heat-conducting contact with the interior of the pump housing.

As noted above, US Patent No. 3,051,184 to Gibson does not disclose that its heating device 58 is disposed on the housing of a pump that is outside the dishwashing compartment. Thus, US Patent No. 3,051,184 to Gibson itself provides no suggestion or hint to one of ordinary skill in the art of the desirability of providing a heating device on the housing of a pump that is outside the dishwashing compartment of a dishwasher. Furthermore, it is submitted that none of US Patent No. 3,051,184 to Gibson, U.S. Patent No. 4,349,434 to Jaworski or Germany 36 40 252 provide any motivation, suggestion or teaching to one of ordinary skill in the art of the desirability of combining any of their respective pump arrangements, let alone any motivation, suggestion or teaching of the desirability of combining these pump arrangements in the manner suggested in the Office Action. For example, neither US Patent No. 4,349,434 to Jaworski nor Germany 36 40 252 disclose a pump arrangement for a dishwasher; instead, US Patent No. 4,349,434 to Jaworski discloses a gas fired heater 60a located in between a pump 76 and the inlet 80 of a hot tub 74 while Germany 36 40 252 discloses a circulating pump 4 for circulating water to and from openings in the wall of a bath.

Thus, one of ordinary skill in the art would not be provided with any motivation to consult either US Patent No. 4,349,434 to Jaworski nor Germany 36 40 252 in looking for a solution to a dishwasher problem. Additionally, none of US Patent No. 3,051,184 to Gibson, U.S. Patent No. 4,349,434 to Jaworski or Germany 36 40 252 provide any motivation or suggestion to modify the arrangement shown in US Patent No. 3,051,184 to Gibson. Moreover, even if any of US Patent No. 3,051,184 to Gibson, U.S. Patent No. 4,349,434 to Jaworski or Germany 36 40 252 did provide one of ordinary skill in the art with some motivation to modify the arrangement shown in US Patent No. 3,051,184 to Gibson, which Applicants submit none of them do, none of these prior art references provides any teaching as to how the arrangement shown in US Patent No. 3,051,184 to Gibson should be modified. Accordingly, it is submitted that claim 17 of the present application is neither taught nor disclosed by any

combination of US Patent No. 3,051,184 to Gibson, U.S. Patent No. 4,349,434 to Jaworski or Germany 36 40 252.

As discussed in detail in the preceding remarks, it now is believed that all of the claims are allowable over the prior art and are in allowable form. Early allowance of Claims 1 - 19 is earnestly solicited.

If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned.

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Name of Attorney Signing

Under 37 CFR 1.34

Respectfully submitted



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